IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NOs. 21231 of 2004, 10010 of 2004, 21224 of 2004, 7341 of 2004, 7041 of 2004, 3120 of 2003, 7896 of 2004 & 7897 of 2004

WRIT PETITION NO : 21231 of 2004

Between:

1. A. Chandraprakash, S/o. A. Chennappa, Aged 55 years, Occu: Coop. Deputy Registrar/Liquidator, Bhagyanagar Cooperative Urban Bank Ltd., J.N.Road, Abids, Hyderabad.
2. G. Prasad Rao, S/o G. Ramayya, aged 52 years, Occu: Coop. Deputy Registrar/Liquidator, Vijaya Coop. Urban Bank Ltd., Hyderabad.
3 P. Pentaiah, S/o. Sataiah, aged 50 years, Cooperative Sub-Registrar.

..... PETITIONERS

AND

1 State of Andhra Pradesh rep. by its Secretary to Government, Cooperative Department, Secretariat, Hyderabad.
2 The Commissioner for Cooperation & Registrar of Cooperative

Societies , Andhra Pradesh, Hyderabad.
3 M. Prabhakara Reddy, S/o. M. Amara Reddy, Senior Inspector, O/o. District Cooperative Audit Office, Hyderabad.
4 K. Janardhan, S/o. K. Ellaiah, Senior Inspector/Auditor Senior Inspector O/o. District Coop. Audit Office, Hyderabad.

5 K. Chinnapa Reddy, Senior Inspector of Coop. Societies, District

Coop. Office, Ranga Reddy District.
6 S. Yakub Hussain, S/o. Late Lala Miah, Senior Inspector/

Auditor, District Coop. Audit Office, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court maybe pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the order dated: 19.12.2003 passed in O.A.No.878/1995, on the file of the A.P. Administrative Tribunal, at Hyderabad, as arbitrary, illegal and contrary to law and consequently set aside the same.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent 1 & 2 : GP FOR SERVOCES-I

Counsel for the Respondent Nos. 3 to 6 : Mr. P.V. SUBRAHMANYA SARMA,

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WRIT PETITION NO : 10010 of 2004

Between:

1. M.Venkatachalam S/o Manikyam, Aged 54 years, Occu:

Coop.Sub-Registrar, District Central Cooperative Bank, Chittoor

District.
2. T.C.Obulesh S/o Marappa, aged 55 years, Coop. Sub

Registrar/Superintedent(Accounts), District Water Management

Authority Anantapur District.

..... PETITIONERS

AND

1 The Commissioner for Cooperation & Registrar of Cooperative

Societies Andhra Pradesh, Hyderabad.

2 Regional Joint Registrar of Coop. Societies Cuddapah, Cuddapah District.

3 A.Ravi Kumar Senior Inspector of Coop. Societies/Auditor, Chittoor Coop. Sugar Ltd., R/o 28-1046, Kammaiah Naidu

Colony 2nd Line , Chittoor, Chittoor District.

4 C.Vijayabhaskara Rao Senior Inspector of Coop. Societies/

M.C.O. O/o District Cooperative Officer,chittoor R/o Greamspet,

Chittoor, Chittoor District.

5 B.Anjaneyulu
(R-5 is not necessary party to this Writ Petition)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, preferably one in the nature of Writ of Mandamus declaring the order dated: 19/12/2003 passed in OA.No.2125/1993 on the file of the AP., Administrative Tribunal, at Hyderabad, as arbitrary, illegal and contrary to law and consequently set aside the same.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent Nos.1 and 2: GP For Services-I

Counsel for the Respondent Nos.3 and 4: Mr. M. Surender Rao.

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WRIT PETITION NO : 21224 of 2004

Between:

1. A. Chandraprakash, S/o. A. Chennappa, Aged 55 years, Occu:

Coop. Deputy Registrar/Liquidator, Bhagyanagar Cooperative

Urban Bank Ltd., J.N.Road, Abids, Hyderabad.

2. G. Prasad Rao, S/o G. Ramayya, aged 52 years, Occu:

Coop. Deputy Registrar/Liquidator, Vijaya Coop. Urban Bank

Ltd., Hyderabad.

..... PETITIONERS

AND

1 State of Andhra Pradesh rep. by its Secretary to Government, Cooperative Department, Secretariat, Hyderabad.
2 The Commissioner for Cooperation & Registrar of Cooperative

Societies , Andhra Pradesh, Hyderabad.
3 Vali Mohd.Khan, Senior Inspector of Coop. Societies, Disrict Coop. Office, Ranga Reddy District.
4 Hashim Ali, Senior Inspector of Coop. Societies, Disrict Coop. Office, Ranga Reddy District.
5 Syed. Masoom Iqbal, Senior Inspector of Coop. Societies, Disrict Coop. Audit Office, Hyderabad.
6 M.A. Haleem, Senior Inspector of Coop. Societies, Disrict Coop. Audit Office, Ranga Reddy District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of mandamus declaring the order dated 19-12-2003 passed in O.A.No. 5518/1994, on the file of the A.P. Administrative Tribunal at Hyderabad as arbitrary, illegal and contrary to law and consequently set aside the same.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent No.1 & 2: Govt. Pleader for Services-I.

Counsel for the Respondents No.3 to 6: None appeared.

WRIT PETITION NO : 7341 of 2004

Between:

1. A. Chandraprakash, S/o. A. Chennappa, Aged 55 years, Occu:

Coop. Deputy Registrar/Liquidator, Bhagyanagar Cooperative

Urban Bank Ltd., J.N.Road, Abids, Hyderabad.

2. G. Prasad Rao, S/o G. Ramayya, aged 52 years, Occu:

Coop. Deputy Registrar/Liquidator, Vijaya Coop. Urban Bank

Ltd., Hyderabad.

..... PETITIONERS

AND

1 State of Andhra Pradesh, Rep. by its Secretary to Government Cooperative Department, Secretatiat, Hyderabad.
2 The Commissioner for Cooperation & Registrar of Cooperative

Societies, Andhra Pradesh, Hyderabad
3 U. Chittaranjan Rao, S/o. U. Venkaiah, aged 46 years, Senior

Inspector of Coop.Societies, O/o. D.C. Audit Officer, Hyderabad

Urban, Presently in the O/o. Divil. Cooperative Officer,
M-7 Block, 3rd Floor, A.P.H.B., M.J. Road, Nampally,

Hyderabad.

4. Sudhakar.

.....RESPONDENTS

(R-4 is not necessary party to this Writ Petition)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction preferably one in the nature of Writ of Mandamus declaring the order dated 28-11-2003 passed in O.A.No.6042/1994 on the file of the A.P. Administrative Tribunal, at Hyderabad, as arbitrary illegal and contrary to law and consequently set aside the same.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent No.1 & 2 : GP For Services-I

Counsel for the Respondent No.3 : Mr. J.R. Manohar Rao.

WRIT PETITION NO : 7041 of 2004

Between:

1 S.Sarath, s/o S.Veera Raghavaiah,48 years, Deputy

Registrar/Officer on Special Duty, District Co-operative Central

Bank, Nellore, Nellore District.
2.P.Laxminarayana, s/o P.Somaiah, 51 years, Divisional

Co-operative Officer, Ongole, Prakasam District.
3.R.Ratnam, s/o late R.Devasahayam, 55 years, Deputy

Registrar/Accounts, Office of the Commissioner for Co-operation

and Registrar of Co-operative Societies, Gruhakalpa Buildings,

Nampally, Hyderabad.
4.V.Mark, s/o Kotaiah, 50 years, Divisional Co-operative Officer,

Guntur, Guntur District.
5. A.Venkat Ratnam, s/o late A.Penchalaiah, 52 years, Divisional

Co-operative Officer, Kavali, Nellore District.
6.S.Venkataiah, s/o S.Rosaiah, 53 years, Co-operative Sub-

Registrar/Auditor, District Scheduled Caste Service Co-operative

Society, Nellore, Nellore District.
7.K.Prasad Rao, s/o Manoharam, 55 years, Divisional Co-operative

Officer, Nellore, Nellore District.
8.M.Gurunadham, s/o Kotaiah, 52 years, Deputy Registrar/Audit

Officer, District Co-operative Central Bank Limited, Guntur,

Guntur District.
9.U.Vara Prasada Rao, s/o Chintaiah, 56 years, Divisional Co-

operative Officer, Kandukur, Prakasam District.
10.D.Deenavandanam, s/o D.Ratnam, 52 years, Co-operative Sub-

Registrar, Guntur, Guntur District.
11. Smt.R.Jaya, w/o R.Koteswara Rao,, 56 years,
Divisional Co-operative Officer, Tenali, Guntur District.
12. S.Sangeetha Rao, s/o Veeraswamy, 56 years Co-operative Sub-

Registrar, o/o District Co-operative Audit Office,Guntur,

Guntur District.
13. Ch.Kondaiah, s/o Kotaiah, 50 years,Deputy Registrar/

A.P.O.District Rural Development Agency, Ongole,

Prakasam District.

..... PETITIONERS

AND

1. The Commissioner for Co-operation & Registrar of Cooperative

Societies, Gruhakalpa Buildings, Nampally, A.P., Hyderabad.
2.K.Sri Rama Murthy, s/o Ramaiah,35 years, Senior Inspector of

Cooperative Societies, District SGSC Society, Nellore,

Nellore District.
3.C.Sitaramaiah, s/o Sriramulu, Aged about 40 years, Senior

Inspector of Cooperative Societies, Working as Auditor, District

Cooperative Audit Office, Guntur, Guntur District.
4.V.V.Subrahmanyam, s/o Narayana Prasad, Aged about 42 years,

Senior Inspector of Cooperative Societies, o/o Registrar of

Cooperative Societies, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of certiorari; a) call for the records relating to and connected with the order and judgment rendered in Original Application No.2126 of 1993 dated 19-12-2003 and quash or set aside the same holding it as unjust and untenable; b)dismiss the original application No.2126 of 1993 dated 19-12-2003 instituted by the unofficial respondents on the file of the A.P. Administrative tribunal as not tenable.

Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO

Counsel for the Respondent No.1: GP For Services-I

Counsel for the Respondent Nos.2 to 4: Mr. M. Surender Rao

WRIT PETITION NO : 3120 of 2003

Between:

1. C.Narasimlu S/o Narsaiah, age 51 years, Occu: Cooperative Sub-

Registrar, O/o District Cooperative Office, Cuddapah.

2. Poma Naik S/o Gobre Naik, age 44 years, Cooperative Sub-Registrar, Cuddapah.

3. T. Ramachandraiah s/o Tiru Vengalaiah, age 52 years, Cooperative Sub-Registrar, Mangalam, Tirupathi, Chittoor District.

4. T. Raghava Rao s/o T. Subbaiah, age 55 years,Sub-Registrar of Cooeprative Society, Cuddapah District.

5. S. Balaswamy s/o S. Dyvandanadam, age 51 years, Sub-Registrar of Cooperative Society, Cuddapah District.

6. C. Pedda Subbanna s/o Subbanna, age 52 years, Sub-Registrar of Cooperative Society, Cuddapah District.

..... PETITIONERS

AND

1. The Commissioner for Cooperation & Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad

2. The Addl. Registrar of Cooperative Societies, A.P. Hyderabad.

3. L. Kumara Swamy Raja, Cooperative Sub-Registrar, O/o District Cooperative Officer, Anantapur.

4. T. Shiva Shankarappa, Cooperative Sub-Registrar, O/o District Cooperative Officer, Anantapur.

5. R. Ramachandra Rao, Cooperative Sub-Registrar, O/o District Cooperative Officer, Anantapur.

6. R. Musalappa, Cooperative Sub-Registrar, O/o District Cooperative Officer, Anantapur.

7. N.Venkata Sheshaiah, Cooperative Sub-Registrar, O/o District Cooperative Officer, Anantapur.

8. D. Narayana, Senior Inspector/Auditor, D.C.M.S. Anantapur.

9. K.B. Kailasa Nath, Cooperative Sub-Registrar, O/o District Cooperative Officer, Anantapur.

10.P. Ramachandra, Cooperative Sub-Registrar, Dharmavaram.

11.M. Sangaiah, Senior Inspector/Head Assistant, O/o District Cooperative Officer, Anantapur.

12.B. Balachandrudu, Cooperative Sub-Registrar ABCC Bank, Ananthapur.

13.K.M.Abdulla, CSR, O/o Asst. Director(Seri), DMM, Ananthapur.

14.T. Govindaiah, Cooperative Sub-Registrar, O/o The District Cooperative Audit Officer, Chittoor.

15.S. Bala Subramanyam, Cooperative Sub-Registrar O/o Divl. Coop.Sub-Registrar, Tirupathi.

16.B.L.Gangappa, Cooperative Sub-Registrar,Hindupur, Ananthapur District.

17.C. Narasimhulu, Cooperative Sub-Registrar, O/o Divl. Cooperative Officer, Ananthapur.

18.B. Pullappa, Cooperative Sub-Registrar O/o Director of (Sericulture) Ananthapur.

19.R. Sampath Rao, Cooperative Sub-Registrar O/o District Cooperative Officer, Chittoor.

20.P. Prasad, Cooperative Sub-Registrar O/o Divl. Cooperative Officer, Chittoor.

21.B. Prabhakar, Cooperative Sub-Registrar, O/o Divl. Cooperative Officer, Hindupur, Ananthapur District.

22.A. Ayyanna, Cooperative Sub-Registrar, O/o Divl. Cooperative Officer, Ananthapur.

23.J. Anjaneyulu, Cooperative Sub-Registrar, O/o Divl. Cooperative Officer, Ananthapur.

24.S. Venkatesh Naik, Cooperative Sub-Registrar CSR/Auditor, Dharmavaram.

25.G. Obulesu, C.S.R. O/o District Cooperative Officer, Cuddapah-516 001.

26.G. Anjaneyulu Cooperative Sub-Registrar/Auditor, O/o District S.C. Service, Cooperative Society, Ananthapur-515 001.

27.M. Venkatachalam Cooperative Sub-Registrar O/o District Cooperative Officer, Chittoor.

28.B.Anjaneyulu, Cooperative Sub-Registrar, O/o District Cooperative Officer, Chittoor.

29.T.C.Obulesu, Cooperative Sub-Registrar, O/o District Cooperative Officer, Anantapur.

30.B.Anjaiah, Cooperative Sub-Registrar O/o District Officer, Chittoor.

31.Smt. S.Nagamani, Cooperative Sub-Registrar O/o District Cooperative Officer, Chittoor.

32.C.B.G.Tilak, Cooperative Sub-Registrar O/o District Cooperative Officer, Chittoor.

33.Ch.Subarayudu, Cooperative Sub-Registrar O/o District Cooperative Officer, Chittoor.

34.Smt. K. Parimala, Cooperative Sub-Registrar (S.C.)O/o District Cooperative Officer, Chittoor.

35.K.Amarnadh, Cooperative Sub-Registrar (S.T)O/o District

Cooperative Officer, Kurnool.

36.S. Rama Chandram, Cooperative Sub-Registrar O/o The District

Cooperative Officer, Chittoor.

37.B.Kanchana Kumari, Cooperative Sub-Registrar O/o District

Cooperative Officer, Cuddapah.

38.B.Muni Raju, Cooperative Sub-Registrar O/o District

Cooperative Officer, Cuddapah.

39.T.Jayanna, Cooperative Sub-Registrar O/o District

Cooperative Officer, Cuddapah.

40.C.Murugan, Cooperative Sub-Registrar, O/o The District

Cooperative Officer, Chittoor.

41.P.Laleppa, Cooperative Sub-Registrar O/o The Divl. Cooperative

Officer, Dharmavaram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus declaring the impugned Order dated: 3.12.2002in O.A.NO. 5881 of 1996 as bad and illegal and contrary to the Rules, 1989 read with Rule 22 of A.P. State Subordinate Service Rules, 1962 and also contrary to Article 16(4)(A) as amended by 85th Constitutional Amendment Act, 2001 and consequently declare that the seniority of the petitioners and their promotions in their respective cadres is legal and in accordance with the law.

Counsel for the Petitioners: MR.G. CHANDRAIAH

Counsel for the Respondent Nos.1 & 2: GP For Services-I

Counsel for the Respondent Nos.3 to 41: None appeared.

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WRIT PETITION NO : 7896 of 2004

Between:

K.Sujatha, W/o D.Prasada Rao, aged about 37 years, occu: Co-opeative Sub-Registrar, O/o.The Commissioner for Co-operation & Registrar of Cooperative Societies, Gruhakalpa Buildings,

Nampally, Andhra Pradesh, Hyderabad.

..... PETITIONER

AND

1 The Commissioner for Co-operation & Registrar of Cooperative

Societies, Gruhakalpa Buildings, Nampally, A.P.Hyderabad.

2 V.Narasimha Rao, S/o.Addnakayan Naidu, 50 years, Cooperative Sub-Registrar, O/o.Dist.Co-operative Audit office,

Guntur.

3 K.Siva Reddy, S/o.Chandra Reddy,46 years, Senior Inspector/

Auditor , O/o.Dist.Co-operative Audit officer, Guntur, Guntur

Dist.

4 K.Rajendra Prasad, S/o.Venkateswara Rao, 47 years, Senior

Inspector/ Auditor, O/o District Co-operative Audit Officer,

Guntur, Guntur District.

5 U.V.Narayana, S/o.U.S.N.Murthy,43 years, Senior Inspector/

Auditor, O/o.District Co-operative Audit Officer, Guntur

Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court in the interest of justice be pleased to issue a writ, order or direction, more particularly one in the nature of writ of certiorari; A) call for the records relating to and connected with the order and judgment rendered in Original Application No.4808 of 1993 dated 19-12-2003 and quash or set aside the same holding it as unjust and untenable; B) Dismiss the Original Application No.4808 of 1993 dated 19-12-2003 instituted by the unofficial respondents on the file of the A.P. Administrative Tribunal as not tenable.

Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO

Counsel for the Respondent No.1 : GP FOR SERVICES I

Counsel for the Respondents No.2 to 5: None appeared.

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WRIT PETITION NO : 7897 of 2004

Between:

1. Sri G.Ravirajasekhar, s/o late T.H.Mothy, 40 years,
Co-operative Sub Registrar, o/o District Co-operative Officer,
Ongole, Prakasam District.
2.Sri C.V.Ramanaiah, s/o late Venkateswarlu,49 years,
Sub-Divisional Co-operative Officer, Podili, o/o Prakasam

District Co-operative Central Bank, Podili, Prakasam District.
3.Sri K.Joseph, s/o Kamaiah, 52 years, Co-operative Sub-Registrar,

Sub-Divisional Co-operative Officer, Near Sailaja Theatre,

Kandukur, Prakasam District.

..... PETITIONERS

AND

1. The Commissioner for Co-operation & Registrar of Cooperative

Societies, Gruhakakpa Buildings, Nampally, A.P., Hyderabad.
2. V.Narasimha Rao, s/o Addnakaya Naidu, 50 years, Co-operative

Sub-Registrar, O/o District Co-operative Audit Office,
Guntur.
3.K.Siva Reddy, s/o Chandra Reddy,46 years, Senior Inspector/

Auditor, o/o District Co-operative Audit Officer,Guntur,

Guntur District.
4.K.Rajendra Prasad, s/o Venkateswara Rao, 47 years,

Senior Inspector/Auditor, o/o District Co-operative Audit Officer,
Guntur, Guntur District.

5.U.V.Narayana, s/o U.S.N.Murthy, 43 years, Senior Inspector/

Auditor, o/o District Co-operative Audit Officer, Guntur,

Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court in the interest of justice be pleased to issue a writ, order or direction; more particularly one in thenature of writ of certiorari; a) Call for the records relating to and connected with the order and judgment rendered in Original Application No.4808 of 1993 dated 19-

12-2003 and quash or set aside the same holding it as unjust and untenable; b) dismiss the Original Application No.4808 of 1993 dated 19-12-2003 instituted by the unofficial respondents on the file of the A.P. Administrative Tribunal as not tenable.

Counsel for the Petitioner: MR.NUTY RAM MOHAN RAO

Counsel for the Respondent No1: GP FOR SERVICES I

Counsel for the Respondents No.2 to 5: None appeared.

The Court made the following :

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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W.P.Nos. 21231 of 2004, 10010 of 2004, 21224 of 2004, 7341 of 2004, 7041 of 2004, 3120 of 2003, 7896 of 2004 and 7897 of 2004

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COMMON JUDGMENT:

(per G. Bikshapathy J)

1. All the Writ Petitions can be disposed of by a common judgment.

2. The issue that calls for consideration in these Writ Petitions is:

“In the event of non-availability of S.C. and S.T. candidates for being promoted to the post of Senior Inspectors and Cooperative Registrars in the Cooperative Department for more than 2 years, whether the posts which are meant to be filled up by the reserved candidates get de-reserved automatically for non-availability of the reserved candidates or whether the backlog vacancies are liable to be carried forward beyond two years.”

3. The issue arose in the following circumstances:

In the Cooperative department, recruitments were made for various posts including Junior Assistants, Junior Inspectors, Senior Inspectors and the Cooperative Sub-Registrars by direct recruitment as well as the promotion from the lower levels as provided under the Rules called the Andhra Pradesh Cooperative Subordinate Service Rules framed in G.O.Ms.No. 2731,Public Services, dated: 30.9.1953. However, these rules were superseded by amended Rules in G.O.Ms.No. 266 Food & Agriculture, (Cooperation-II) Department, dated: 18.4.1990.

4. Under Rule 3, the method of appointment and appointing authorities are set out. For the purpose of this case, following extract would make the matter clear:

Category Method of Appointment Appointing Authority

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1. Cooperative (i) Direct Recruitment Addl. Registrar of Co-
Sub-Registrar (ii) by promotion from category-2 operatives, Cooperative,
(Senior Inspectors). Societies in charge of
administration.

2. Senior by promotion from Category-3 -do-
Inspector (Junior Inspectors, Junior Assts.

Typists in the Cooperative

Department.)

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5. Rule 4 contains reservation in appointment, which reads thus:

> **"4. Reservation of appointments :-(a) Except in so far as it relates to the physically handicapped persons the rule of special representation (General Rule 22) shall apply to the appointments to the categories and the method of appointment as specified below:-**

1. Co-operative Sub-Registrars :	**by direct recruitment and by promotion from Senior Inspector**
2. Senior Inspectors :	**by promotion form Junior Inspectors**
3. Junior Inspectors :	**by direct recruitment and by transfer from clerks and typists working in Co-operative Department.**

> **Provided that in the case of appointments to the posts of Co-operative Sub-Registrars, Senior Inspectors by promotions and appointment to the posts of Junior Inspectors by transfer rule of reservation (General Rule 22) shall be applicable in so far as it relates to the Scheduled Castes and Scheduled Tribes.**

> **(b) In the matter of appointment by direct recruitment to the post of Co-operative Sub-Registrars, Junior Inspector, other things being equal, preference shall be given to women."**

6. The General Rule 22 of State and Subordinate Service Rules have been made applicable to the reservations in appointments, which reads thus:

> **"Rule 22 Special Representation (Reservation) :--(1) Reservations may be made for appointments to a service, class or category in favour of Scheduled Castes, Scheduled Tribes, Backward Classes, Women, Physically Handicapped, Meritorious Sportsman, Ex-Servicemen and such other categories, as may be prescribed by the Government from time to time, to the extent and in the manner specified hereinafter in**

these rules or as the case may be, in the special rules. The principle of reservation as hereinafter provided shall apply to all appointments to a service, class or category--

(i) by direct recruitment, except where the Government by a general or special order made in this behalf, exempt such service, class or category;

(ii) otherwise than by direct recruitment where the special rules lay down specifically that the principle of reservation in so far as it relates to Scheduled Castes and Scheduled Tribes only shall apply to such services, class or category to the extent specified therein.

(2)(a)The unit of appointments for the purpose of this rule shall be one hundred vacancies, of which fifteen shall be reserved for Scheduled Castes, six shall be reserved for Scheduled Tribes, twenty five shall be reserved for the Backward Classes and the remaining fifty four appointments shall be made on the basis of open competition and subject to Rule 22-A of these rules.

(b) Out of fifty-four appointments to be made on the basis of open competition, three appointments shall be reserved for direct recruitment of the physically handicapped persons.

(c) In the case of appointments to clerical posts including the posts of typists, i.e., in Group II and Group IV services and in the case of posts in the Andhra Pradeshs Police Subordinate Service, to which the principle of reservation of appointments applies, out of fifty four, as the case may be, fifty one appointments to be made on the basis of open competition, two appointments shall be reserved for direct recruitment of Ex-servicemen.

(d) In the case of appointments to the posts of Senior Assistants, Junior Assistants, Junior Stenographers, Typists and Record Assistants in the Offices of Heads of Departments, Assistant Section Officers, Typist-cum-Assistants, Junior Stenographers and Record Assistants in the Secretariat to which the principle

of reservation of appointments applies, out of fifty four, as the case may be, forty nine appointments to be made on the basis of open competition, one appointment shall be reserved for direct recruitment of meritorious sportsmen:

Provided that the claims of members of the Scheduled Castes, Schedule Tribes, Backward Classes, Women and the Physically Handicapped persons or the Ex-servicemen as the case may be, shall also be considered for the remaining appointments which shall be filled on the basis of open competition, the number of appointments reserved for that category shall in no way be affected during the period the reservation for that category is in force.

(e) Appointments under this rule shall be made in the order of rotation specified below in unit of hundred vacancies:

xxx xxx xxx

(f) The reservation in the case of Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) and physically handicapped persons shall be in force for the period commencing from the 23rd September, 1990 to 22nd September, 2000.

(g) If in any recruitment, qualified candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) women are not available for appointment to any or all the vacancies reserved for them, a limited recruitment confined to candidates belonging to them shall be made immediately after the general recruitment to select and appoint qualified candidates from among the persons belonging to these communities to fill such reserved vacancies.

(h) (i) If in any recruitment, qualified candidates belonging to Scheduled Castes, or Scheduled Tribes, or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women are not available for appointment to all or

any of the vacancies reserved for them even after conducting a limited recruitment as specified in sub-rule (g), such vacancies or vacancy may be allotted to the Open Competition after obtaining the permission of the Government and may, thereafter, be filled by a candidate or candidates selected on the basis of open competition.

(ii) Where any vacancies reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women are so filled by candidates belonging to other communities, an equal number of vacancies shall be reserved in the succeeding recruitment or for the Scheduled Castes or Scheduled Tribes or Backward Classes or women in addition to the vacancies that may be available for that recruitment for them and if in the said succeeding recruitment year also, qualified candidates belonging to the Scheduled Castes, or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women are not available for appointment to all or any of the additional vacancies which are so reserved in that succeeding recruitment year, an equal number of vacancies shall again be reserved in the next succeeding recruitment year for the Scheduled Castes or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women in addition to the number of vacancies that may be available for the next succeeding recruitment for the Scheduled Castes or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women :

Provided that if in the said second succeeding recruitment also no qualified candidates belonging to the Scheduled Castes, or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women are available for appointment to all or any of the additional vacancies which are so reserved in that succeeding recruitment year, an equal number of vacancies shall again be reserved in the next succeeding recruitment year for the Scheduled Castes or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women in addition to the number of vacancies that may be available for the next succeeding recruitment for the Scheduled Castes or Scheduled Tribes or Backward Classes or women;

Provided further that in the third succeeding recruitment if qualified candidates belonging to Scheduled Tribes or as the case may be Scheduled Castes are not available, a vacancy reserved to be filled by a candidate belonging to Scheduled Tribes may be filled by a candidate belonging to Scheduled Castes and vacancy reserved to be filled by a candidate belonging to Schedule Castes may be filled by a candidate belonging to Scheduled Tribes and if a qualified candidate belonging to a particular group of Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) is not available for appointment, the vacancy reserved to that group shall accrue to the next group;

***[.....]**

(iii) If any additional vacancy or vacancies reserved in favour of candidates belonging to the Scheduled Castes or Scheduled Tribes or Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) or women in any recruitment in accordance with the provisions in clause (II), appointments there to shall be made before the appointments in the order of rotation for the relevant recruitments are made.

(i) At no selection for recruitment other than any limited recruitment made in accordance with the provisions of sub-rule (g), the number of reserved vacancies including the additional vacancies reserved under sub-rule (h), shall exceed 52% of the total number of vacancies for the selection; and all vacancies in excess of 52% of the total number of vacancies for which recruitment is made on any particular occasion shall, notwithstanding anything in this rule, be treated as unreserved:

Provided further that the carry forward vacancies and current reserved vacancies in a recruitment year shall be available for utilization even where the total number of such reserved vacancies exceeds 52% of the vacancies filled in that recruitment, in case the overall representation of the Scheduled Castes, Scheduled Tribes, Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) and women in the total strength of the concerned grade or cadre,

has not reached and prescribed percentage of reservation of 15% for the Scheduled Castes, 6% for the Scheduled Tribes, 7% for Backward Classes (Group-A), 10% for Backward Classes (Group-B), 1% for Backward Classes (Group-C) 7% for Backward Classes (Group-D) respectively.

(j) Where there is only a single solitary post borne on the class or category of a service, the rule of special representation shall not apply for appointment to such post, notwithstanding anything contained in the foregoing sub-rules.

Provided that the rule of special representation shall be applicable for appointment if the number of posts borne on the cadre, category or grade is more than one, even though selection is to be made against only one vacancy at any recruitment other than limited recruitment.

(k) In respect of appointments by promotion or recruitment by transfer from Subordinate Service to State Service, where such appointments or recruitment by transfer is required to be made on the principle of merit and ability, seniority being considered only where merit and ability are approximately equal, the claims of any members of the Scheduled Castes and Scheduled Tribes shall be considered for such appointment on the basis of seniority subject to fitness :

Provided that a member of the Scheduled Castes or the Scheduled Tribe possessing superior merit and ability shall be allowed to supersede not only others but also the members of Scheduled Castes or Scheduled Tribes as the case may be.

***Note* :--(1) The principle of carry forward of vacancies in respect of Backward Classes (Group-A), (Group-B), (Group-C) and as the case may be (Group-D) shall be with effect from the 18th March, 1996.**

(2) The principle of carry forward of vacancies in respect of women shall be with effect from the 18th October, 1996.

(3) The principle of roster points for women candidates shall be with effect from the 1st August, 1996."

7. The reserved candidates namely S.C. and S.T. candidates were appointed in their respective slots in the roster and they were being promoted to the higher posts in the reserved quota as fixed in Rule 4 of the Rules referred to above.

8. For a considerable length of time, there were no promotions in the department. However, in the year 1991-92, some promotions were effected to the posts of Senior Inspectors and Cooperative Sub-Registrars, but it was found that only S.C. and S.T. candidates were promoted. That gave cause of action for filing Writ Petition by the O.C. candidates.

9. It is the contention of the O.C. candidates that the vacancies which arose in the promotion cadre cannot be filled up by S.C. and S.T. candidates alone and that when once the vacancies arose in the reserved category and if the same were not filled up within a period of two years, it shall be deemed to have been de-reserved and the said vacancies ought to be filled up by the other eligible O.C. candidates. Therefore, they sought the direction to review the entire promotions made and to promote the O.C. candidates accordingly.

10. The learned tribunal in batch of O.A. Nos. 2125 of 1993 and Batch, dated: 19.12.2003 allowed the O.As. filed by the O.C. candidates and set aside the promotions given to the S.C. and S.T. candidates holding that the posts which were reserved for S.C. and S.T. candidates in the promotion cadres were not filled up within a period of two years from the date when they arose and since they were kept vacant beyond two years, they accordingly get de-reserved and according to provision (2)(h)(I) of Rule 22 of Andhra Pradesh State and Subordinate Service Rules, since the S.C. and S.T. candidates who are the Writ Petitioners were

promoted to the reserved vacancies much beyond period of two years from the date the vacancy arose, their promotions were set aside and directed the department to review all such promotions and promote the O.C. candidates. The tribunal further directed that even among the S.C. and S.T. candidates, if the senior is found to be eligible, he is entitled for the promotion and the promotions appear to have been given to the junior candidates in S.C. and S.T. candidates. The learned tribunal considered this matter in para 37 and observed as follows:

> **"It is seen from the factual information furnished by the Registrar in the additional counter filed by him that the party respondent No.2 was appointed by promotion on 25.4.90 against the roster point No.62 of 1983. Other party respondents upto respondent No.22 were promoted during 1989 to 1991 against the vacancies that arose during the period from 1980-85 except the party respondent No.20. Part respondent No.20 was promoted against the S.C. roster point No. 90 of the year 1992. He belongs to S.C., community and he was promoted on 9.9.93. Other party respondents 3 to 22 were all promoted on 25.4.90, 18.8.90 and 30.8.90. Thus, it could be seen that all the party respondents from 2 to 22 (excepting respondent No.20) were promoted more than 5 years after backlog vacancies had occurred. General Rule 22 (2)(h)(I) says that "If in any recruitment, qualified candidates belonging to S.C., or S.T.C. or Backward classes group A, B, C and as the case may be Group D or women are not available for appointment, all or any of the vacancies reserved for them even after conducting limited recruitment as specified in Sub-Rule 9, such vacancy or vacancies may be allotted to open competition after obtaining the permission of the Government, and may thereafter be filled by the candidate or candidates selected on the basis of open competition". Rule 22(2)(h)(I) thus provides for such a course of action. Such reserved vacancies filled by other community candidates shall be reserved for succeeding recruitments in addition to the vacancies that might arise in the subsequent years for the reserved communities. This Rule 22, which is applicable to the direct recruitment, is undisputedly, made applicable in respect of promotions als9o. Thus, this rule makes it clear that, if for the first time candidates are not available for the reserved vacancies, limited recruitment is to be held where direct recruitment is the method prescribed for filling up the vacancies. Such question of limited recruitment does not arise in respect of promotions. Thus, when once the candidates of reserved community are not available during the 1st year and**

even assuming that one has to wait for the second year for availability of certain candidates, certainly after expiry of 2 years, steps should be taken to fill these reserved vacancies with other community candidates. In this case, in respect of none of the party respondents, it was done. On the other hand, such vacancies were allowed in certain cases to be accumulated right from 1980 upto 1990 i.e. for a period of 10 years and in respect of certain others allowed to be accumulated for a period of 5 to 7 years, that is for more than 3 years. Either in the counter or in the additional counter, no reasons were given as to why the provisions contained in General Rules 22(2)(h)(I) and the 3rd proviso to (h)(II) were not followed.

Aggrieved by the said Order, the aforesaid Writ Petitions were filed by the S.C. and S.T. candidates. After disposal of the O.A. Nos. 2125 of 1993 and Batch on 19.12.2003, some more O.As. were filed by O.C. candidates and they were disposed of in terms of the Order passed in the aforesaid O.A. No. 2125 of 1993 and Batch and therefore, in those cases also the Writ Petitions were filed challenging the Order basing on the Order passed in O.A. Nos. 2125 of 1993 and Batch.

11. The issue that arises for consideration is as to the procedure to be followed in filling up the backlog posts in promotional category meant for the candidates of the reserved categories?

12. It is the contention of the learned counsel appearing for the S.C. and S.T. candidates that when once the reservation is made under the Rules earmarking certain points in the roster in the promotion category for S.C. and S.T. candidates, those posts have to be necessarily filled up by the reserved candidates and it cannot be filled up by any other candidates except after de-reserving the same by the Government by issuing appropriate notification in that regard. Since the backlog posts were not filled up till 1992-93 for want of the reserved candidates, the unfilled posts were carried forward and when the eligible S.C./ S.T. candidates were available promotions were effected in 1992-93. Therefore, the Order of the tribunal recording a finding that the posts earmarked for reserved candidates if not filled up

within a period of two years from the availability of the posts, such posts get de-reserved and they should be filled up by the other O.C. eligible candidates cannot be sustained.

13. Under Article 16 of the Constitution, every citizen shall have equal opportunity in matters of public employment. However, under clause (4), the State is empowered to make provision for reservation of appointment or posts in favour of any backward class of citizen and under clause (4A), which came into effect from 17.6.1995, the State is also empowered to make provisions for reservation in matters of promotion to any class or classes of posts in favour of Scheduled Caste and Scheduled Tribes. Article 16 reads thus:

> **"ARTICLE 16 Equality of opportunity in matters of public employment -**
>
> **(1)There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.**
>
> **(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be Ineligible for, or discriminated against in respect of, any employment or office under the State.**
>
> **(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appoint- ment to an office 10 [under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory] prior to such employment or appointment.**
>
> **(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of**

the State, is not adequately represented in the service under the State.

(4-A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the state in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the States, are not adequately represented in the services under the State.]

(4B) Nothing in this article shall prevent the state from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause(4a) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination."

14. It is the contention of the learned counsel appearing for the O.C. candidates that the wholesale reservation in favour of the reserved category is illegal and hit by the decision of the Supreme Court reported in INDRA SAWHNEY Vs. UNION OF INDIA. It is also further submitted on their behalf that even if reservation is made, the said reservation shall be confined at only one level promotion, but not at all levels as per the decision of the constitutional bench of the Supreme Court reported in AJIT SINGH Vs. STATE OF PUNJAB, wherein the provisions of Article 16(1) and16 (4) and 16(4A) have been discussed in extenso.

15. We have heard the learned counsel for the parties at length.

16. As can be seen from the Rule 4, reservation was made in the cadre of Junior Inspector, Senior Inspector and Cooperative Sub-Registrar and the rule of reservation as provided in general rule 22 is made applicable. But, however, the general rule, as such, cannot be made applicable in its entirety as in case of non-availability of the candidates in the reserved category, a special recruitment under Limited Recruitment category is provided. But, however, under sub-rule (2)(h)(I) of rule 22, in case of appointment/promotions to the posts of panel of eligible candidates for promotions, the names of eligible S.C. and S.T. candidates from the feeder category have to be shown against the roster point earmarked for them irrespective of their seniority position in the feeder category. Under sub-clause (2)(h)(I), in any recruitment qualified candidates belonging to S.C., S.T., or B.C. as the case may be are not available for appointment to the vacancies reserved for them, even after conducting limited recruitment as specified in the rules such vacancies may be allotted to Open Competition, after obtaining the permission from the Government and therefore, they shall be filled up by the candidate or candidates selected in the open competition. Where such vacancies filled up by the candidates on the basis of the open competition, an equal number of vacancies in the subsequent recruitment shall be reserved for such candidates in addition to the vacancies that may be available for that recruitment. Even, in the said recruitment, if these candidates are not available they must be carried forward to the second year also. However, even in the 2nd year, the required qualified candidates belonging to S.T. and S.C. candidates are not available, the vacancies earmarked for S.T. may be filled up by the S.C. and vice versa. But, however, in the third successive recruitment, if no candidate belonging to S.C., S.T. is available, such vacancies may be treated as de-reserved.

17. Therefore, the question that calls for consideration is if the reserved candidates are not available for three successive recruitments or in the case of promotion of successive panel years, whether they should be automatically de-reserved or

should there be any notification issued by the Government in this regard. The tribunal held that the vacancy shall be deemed to have de-reserved on the basis of the 2nd proviso to clause (2)(h)(II) to rule 22.

18. We need not refer to the decision of the Supreme Court reported in Indra Sawhney's case(1st cited supra), wherein the reservations to backward class community was discussed. In the said case, it was also held that the reservations in promotion category was not permissible. But, however, if any such provision has been made in the rules that will continue for a period of five years. To get over the said dicta of the Supreme Court, the Parliament has brought an amendment to Article 16 by introducing Article 16(4-A) and subsequently 16(4-B). The said provisions again came to be considered at length by the Supreme Court in Ajit Singh's case(2nd cited supra). The Supreme Court has elaborately discussed the effect of Article 16(1) and 16(4) and 16 (4A) and also the procedure to be followed whether the reservation is provided at level 2nd, 3rd, and 4th stages in a particular cadre for S.C. and S.Ts. The Supreme Court framed one important question whether roster point for promotion from level 1 to 2, reserved candidates will also be given at level 2, ultimately the Supreme Court in Ajit Singh's case (2nd cited supra) observed in paras 76, 77 and 78 as follows:

> **"76. We, therefore, hold that the roster point promotees (reserved category) cannot count their seniority in the promoted category from the date of their continuous officiation in the promoted post, - vis-a-vis the general candidates who were senior to them in the lower category and who were later promoted. On the other hand, the senior general candidate at the lower level, if he reaches the promotional level later but before the further promotion of the reserved candidate - he will have to be treated as senior, at the promotional level, to the reserved candidate even if the reserved candidate was earlier promoted to that level. We shall explain this further under Point 3. We also hold that Virpal and Ajit Singh have been correctly decided and that Jagdishlal is not correctly decided. Points 1 and 2 are decided accordingly.**
>
> **Point 3 :**

77. During the discussion under this "catch-up" point - for purposes of convenience, - we take the example of the cadres in Ajit Singh i.e. there is roster point promotion for reserved candidates for promotion from Level 1 to Level 2 and from Level 2 to Level 3. There is no roster for promotion from Level 3 to Level 4.

Two 'catch up' rules contended for by general candidates :

78. Now, as stated earlier, the counsel for the general candidates argued for acceptance of two catch-up rules.

Extreme 'catch-up' rule :"

With regard to the catch up rule, the Supreme Court observed in para 80 as follows:

"80. As accepted in Virpal (see (1995) 6 SCC 684 at 702 : (1995 AIR SCW 4309 : AIR 1996 SC 448 and Ajit Singh (See (1996) 2 SCC 715 at p. 729 : (1996 AIR SCW 1196 at pp. 1205-06 : AIR 1996 SC 1189 at p. 1197 : 1996 Lab IC 1030 at p. 1038), we hold that in case any senior general candidate at Level 2 (Assistant) reaches Level 3 (Superintendent Grade II) before the reserved candidate (roster point promotee) at Level 3 goes further up to Level 4 in that case the seniority at Level 3 has to be modified by placing such a general candidate above the roster promotee, reflecting their inter se seniority at Level 2. Further promotion to Level 4 must be on the basis of such a modified seniority at Level 3, namely, that the senior general candidate of Level 2 will remain senior also at Level 3 to the reserved candidate, even if the latter had reached Level 3 earlier and remained there when the senior general candidate reached that Level 3. In cases where the reserved candidate has gone up to Level 4 ignoring the seniority of the senior general candidate at Level 3, seniority at Level 4 has to be refixed (when the senior general candidate is promoted to Level 4) on the basis of when the time of reserved candidate for promotion to Level 4 would have come, if the case of the senior general candidates was considered at Level 3 in due time. To the above extent, we accept the first part of the contention of the learned counsel for the general candidates. Such a procedure in our view will properly balance the rights of the reserved candidates and the fundamental rights guaranteed under Article 16(1) to the general candidates.

No difficulty in amending seniority list :"

19. In the wake of the above decision and also keeping in view the dicta laid down by the Supreme Court in Indra Sawhney's case(1st cited supra), and Article 16(4-A) and 16(4-B) we do not find any warrant for the conclusion reached by the tribunal that in the event of promotions to the reserved categories not being effected within a period of two years from the date when the vacancy arose to the reserved categories for non-availability of the candidates, the said posts get automatically de-reserved and it should be filled by the other candidates. By that process, the very purpose of creating promotions to the reserved category and treating them as a separate class of vacancies would be defeated. It is only when a notification is issued by the appropriate authority in that regard de-reserving such posts, it will be open for the appointing authority to resort to promotion of O.C. candidates in the posts earmarked for filling up by the reserved category. The post may not have been filled for various reasons on account of the administrative delays or on account of the latches on the part of the administration or on account of the lack of candidates. But, that would not be allowed to operate to the detriment of the reserved class for whom a specific provision has been made in Chapter III of the Constitution of India.

20. Under those circumstances, we hold that the findings of the tribunal that the carry forward rule in respect of back log posts reserved for S.C. and S.T. candidates in the promotional cadre gets broken after two years of the availability of such posts if such posts are not filled up due to non-availability of the candidates is not sustainable. Accordingly, the findings recorded by the tribunal stands set aside. But, however, the further question that calls for consideration is as to the seniority that should be assigned to the reserved candidates, who got accelerated promotion on account of the reservation made in the promotion quota. This aspect has to be considered by the tribunal with reference to Ajit Singh's case (2nd cited supra) which has dealt with this principle in extenso. This Court would have decided the matter itself, but since the individual cases are involved apart from the general principle, we feel it proper that the matters should be decided by the tribunal basing on the respective merit

keeping in view the principles and also the directions laid down in Ajit Singh's case (2nd cited supra).

21. Accordingly, all the Writ Petitions are allowed and the Orders of the tribunal are set aside and the matters are remitted back to the tribunal for fresh consideration. The tribunal shall issue notices to the parties and decide the matter as directed above, keeping in view the observations made supra, within a period of four months from the date of receipt of a copy of this Order.

22. We leave it open to the parties to make such of the contentions as are of available to them under law.

23. Before parting with the case, we feel it appropriate to note the ramification of delayed disposal of the service matters relating to recruitment, seniority and promotion on account of pendency of these matters in the tribunals and Courts, the entire respective exercises experience irreconcilable trauma. If the appointments, promotions and seniority are set aside after a long lapse of time, it would cause serious dislocation in the administration and also individual hardships. The very purpose of constituting the service tribunals will be frustrated if these cases are not disposed of one way or the other within a reasonable time. In the instant case, O.As. were filed in 1993 before the Tribunal and they were disposed of in 2003 nearly after a decade setting aside the promotion effected in 1993. This causes any amount of upheavals in the system. The delays are solely attributable to the less number of benches in the tribunal. Therefore, it is imperative that the Government takes appropriate decision to increase the strength of judicial and administrative members or constitute additional tribunal to meet the alarming situation. A copy of this Order shall be forwarded to the Chief Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad and also to the Central Government for taking necessary steps in this regard.

24. No costs.

_____

G.BIKSHAPATHY, J

_____

P.S. NARAYANA, J

4-2-2005

CHV

L.R. COPY TO BE MARKED: No

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, Fourth day of February Two Thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Chief Secretary, Govt. of A.P. Hyderabad.

for taking necessary steps.

2. The Govt. of India,

3. The Registrar, A.P.A.T. Hyderabad

4 Secretary to Government, State of Andhra Pradesh,
Cooperative Department, Secretariat, Hyderabad.

5 The Commissioner for Cooperation & Registrar of Cooperative

Societies, Gruhakakpa Buildings, Nampally, Andhra Pradesh,

Hyderabad.

6. Regional Joint Registrar of Coop. Societies Cuddapah,
Cuddapah District.

7. The Addl. Registrar of Cooperative Societies, A.P. Hyderabad.

8. MR.J.Kanakaiah, Advocate for the Petitioners in W.P.Nos.

21231/04, 10010/04, 21224/04, and 7341/04.

9. MR.NUTY RAM MOHAN RAO, Advocate for the Petitioners in

W.P.Nos. 7041/04, 7896/04 and 7897/04

10. MR.G. CHANDRAIAH, Advocate for the Petitioners in W.P.No. 3120/03.

11. Two C.Cs. to GP FOR SERVOCES-I, High Court of A.P. Buildings, Hyderabad. (OUT)

12. Mr. P.V. SUBRAHMANYA SARMA, Advocate for Respondents No.3 to 6

13.Mr. M. Surender Rao, Advocate for the Respondents No.3 and 4 in W.P.No. 10010/04, Respondents No.2 to 4 in W.P.No. 7041/04

14.Mr. J.R. Manohar Rao, Advocate for the Respondent No.3 in W.P.No. 7341/04,

15. 2 CD copies